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10/078,334	02/14/2002		Koichi Nakata	9333/285	7347
757	7590	08/07/2006		EXAMINER	
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P.O. BOX 1 CHICAGO,		0	ART UNIT	PAPER NUMBER	
emendo,				2626	
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/078,334	NAKATA, KOICHI					
Office Action Summary	Examiner	Art Unit					
_	Eunice Ng	2626					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim iill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I.  lely filed  the mailing date of this communication.  D (35 U.S.C. § 133).					
Status							
Responsive to communication(s) filed on <u>06 Ju</u> This action is <b>FINAL</b> . 2b)⊠ This     Since this application is in condition for allowant closed in accordance with the practice under E	action is non-final. ace except for formal matters, pro						
Disposition of Claims							
<ul> <li>4)  Claim(s) 1-12,14 and 16-20 is/are pending in the day of the above claim(s) is/are withdraw</li> <li>5)  Claim(s) 2-4 is/are allowed.</li> <li>6)  Claim(s) 1, 5-12,14 and 16-20 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	vn from consideration.						
Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
Attachment(s)  1) \( \sum \) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da						

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#### **DETAILED ACTION**

#### Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 30, 2006 has been entered.

## Response to Amendment

2. In response to the Office Action mailed April 6, 2006, Applicants have submitted an Amendment, filed May 30, 2006, amending claims 14, 17 and 19, without adding new matter, and arguing to traverse claim rejections.

#### Response to Arguments

3. Regarding independent claims 1 and 5 and dependent claims 6-8 and 10, Applicant's arguments filed May 30, 2006 (Remarks, p. 8) have been fully considered but they are not persuasive. Applicant argues that "[t]here is no suggestions in Nakano to control an operated device producing an audio or image output from the key input section, or to prevent speech guidance if it would interfere with an audio or image output of an operated device." However, in col. 2, ll. 9-13, Nakano teaches "the operator can stop the program by a voice input at an area remote from the computer if he feels the operation of the computer is abnormal [such as an

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interference]." Nakano also teaches in col. 2, ll. 4-6, "A voice interrupt operation can be performed, so that first program can be terminated and another program can be begun," reading on claims 6-8 and 10 regarding more specific audio or image outputs.

- Regarding claim 9, Applicant's arguments filed May 30, 2006 (Remarks, p. 8) have been 4. fully considered but they are not persuasive. Applicant argues that "the Examiner appears to misunderstand dependent claim 9, because the portions of Van Kleeck relied on by the Examiner are not applicable to the claimed feature." The Examiner respectfully disagrees. Van Kleeck, in col. 4, line 57 through col. 5, line 9, teaches "the user speaks a word into the microphone, the interface program receives a digitized representation of the spoken word from the sound input module... The interface program then communicates the choice associated with the recognized word to the application program. In a preferred embodiment, the interface program accomplishes this by submitting keystroke commands corresponding to the choice associated with the recognized word to the application program [for example, a stop command]. When the application receives these keystrokes, it acts upon the choice to which the keystrokes correspond. The interface program then updates the list of active words in light of the new currently appropriate choices and waits for the user to speak another word." Therefore, Van Kleeck in view of Nakano teaches at least guidance with a screen for indicating that a speech input is available is provided when the speech input guidance is stopped.
- 5. Regarding claim 14, Applicant's arguments filed May 30, 2006 (Remarks, pp. 8-9) have been fully considered but they are not persuasive. Applicant argues "The cited passages in Van

Kleeck (col. 5, ll. 20-24 and col. 6, ll. 6-63) describe a hierarchy of instructions for each separate application." This hierarchy is what reads on Applicant's 'operation object' (root nodes) and 'content of an operation' (children nodes). The examiner contends that Van Kleeck still teaches what is recited in claim 14 as, "when said speech input guidance output request detecting unit detects that a user enters only *one of* said speech input executing command for indicating an operation object [as in Van Kleeck] and said speech input executing command for indicating an operation content, said data searching unit searches for and provides *either* a speech input executing command for indicating an operation object corresponding to an operation content entered by the user [as in Van Kleeck], *or*..." Particularly, ll. 33-35 teach, "After the interface program moves to the card node it displays the word component of each of the children of the new node as the list of active words."

6. Regarding claim 17, Applicant's arguments filed May 30, 2006 (Remarks, p. 9) have been fully considered but they are not persuasive. Applicant argues that the cited passage of Cohen "does not disclose changing the <u>order</u> of the provided commands, as claimed." The Examiner respectfully disagrees and maintains that Cohen, in col. 6, ll. 25-32 teaches and provides an example, "Assume that every time a given caller wanted to delete a bookmark, he believed he needed to say 'bookmarks' to access the bookmark menu, and then say 'delete a bookmark'. Accordingly, a shortcut active help prompt might be set up to be played to the caller...explaining that the 'delete a bookmark' command can be used from the main menu," which changes the order of the 'delete a bookmark' prompt from being a second prompt to being a first prompt (changing the order of the provided commands).

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7. Regarding claim 18, Applicant's arguments filed May 30, 2006 (Remarks, p. 9) have been fully considered but they are not persuasive. Applicant argues that "claim 18 recites that the form of the guidance output of a command is different from that of other commands if the count for the speech input executing commands exceeds a predetermined number." This is correct. However, claim 18 recites, "the speech input guidance output unit provides a guidance output of that command in a form different from that of the other commands, or stops the output." Thus,

8. Regarding claim 19, Applicant's arguments filed May 30, 2006 (Remarks, p. 10) have been fully considered but they are not persuasive. Applicant argues that Van Kleeck "does not disclose that commands provided to the user are prioritized relative to one another." However, the claim only recites "prioritized according to frequency of use" and not "prioritized relative to one another."

#### Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

rejection of claim 11 can be relied upon for claim 18.

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 10. <u>Claims 14 and 20</u> are rejected under 35 U.S.C. 102(b) as being anticipated by <u>Van Kleeck</u> et al. ("Van Kleeck"), US Patent No. 5,890,122 (patented Mar. 30, 1999).

Regarding claim 14, Van Kleeck teaches a speech input guidance device comprising: a speech input guidance data accumulating (509) unit for recording speech input executing commands (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location) categorized by operation object (computer instructions are the device operations while the particular application program constitutes operation object; col. 3, ll. 29-32 and col. 4, ll. 10-23);

a speech input guidance output request detecting unit (502) for detecting a speech input guidance output request from a user (the user activating the facility with an application program constitutes a request for speech guidance output); a data searching unit (502) for searching for and providing data (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized) in said speech input guidance data accumulating unit according to an output from said speech input guidance output request detecting unit; and a speech input guidance output unit (speech synthesizer; display)for providing speech input executing commands searched by said data searching unit as one of by a display screen and by speech (col. 4, ll. 10-23 and ll. 34-44 and col. 7, ll. 44-48);

wherein said speech input guidance data accumulating unit (509) records (a hierarchy table of available commands for each application is stored in the input facility and so inherently would have been recorded to be stored in said location) speech input executing commands for indicating an operation object (card node) and commands for a speech input for indicating the content of an operation (children notes) applied to the operation object and when said speech input guidance output request detecting unit (502) detects (spoken command is recognized) that a

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user enters only one of said speech input executing command for indicating an operation object and said speech input executing command for indicating an operation content, said data searching unit (502) searches for and provides (the interface searches for and displays all of the children nodes corresponding to the recognized command as the new list of active words) either a speech input executing command for indicating an operation object corresponding to an operation content entered by the user, or a speech input executing command for indicating an operation content corresponding to an operation object entered by the user (col. 5, ll. 10-24 and col. 6, ll. 6-63).

Regarding claim 20, Van Kleeck teaches a speech input guidance device comprising: a speech input executing command indicating means for specifying one of the speech input executing commands (active words) provided on the screen from said speech input guidance output unit (505; col. 4, ll. 63-66); and

a device operation means for conducting an operation (keystroke commands) specified by said speech input executing command indicating means (col. 4, line 66 through col. 5, line 7).

### Claim Rejections - 35 USC § 103

- 11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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12. <u>Claims 1, 5-10 and 19</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Van Kleeck et al.</u> ("Kleeck"), US Patent No. 5,890,122 in view of <u>Nakano et al.</u> ("Nakano"), US Patent No. 4,766,529.

Regarding claim 1, Van Kleeck teaches: detecting a device operation by a user (the process of activating the facility would inherently require the computer to detect keystrokes or mouse clicks; col. 4, ll. 24-25); and

searching (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized) for a speech input executing command (available commands) corresponding to the device operation from a speech input guidance data accumulating unit (504); and providing (displaying) the user with searched speech input guidance (col. 4, ll. 10-23 and ll. 34-44).

Van Kleeck fails to teach, but Nakano teaches wherein the speech input guidance is stopped if it would interfere with an audio or image output of an operated device (guidance is interrupted and stopped when any device that produces an audio output (i.e. radio in a car) or that produces an image (i.e. navigation maps)). A stop signal is outputted when a key at the key input section is depressed signifying the operation of an onboard device (col. 6, ll. 52-58).

Nakano also teaches in col. 2, ll. 9-13, "the operator can stop the program by a voice input at an area remote from the computer if he feels the operation of the computer is abnormal [such as an interference]."

Therefore, it would have been obvious for one of ordinary skill in the art at the time of applicant's invention to modify the teaching elements of Van Kleeck's device for speech input

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guidance with Nakano's speech input guidance controlling unit for stopping the speech input guidance. The motivation for doing so would have been to avoid confusing the user/driver with simultaneous prompts and music.

Regarding claim 5, Van Kleeck teaches: a device operation detecting unit for detecting a device operation by a user (col. 4, ll. 10-15 and ll. 24-25);

a speech input guidance data accumulating unit (509) for recording speech input guidance data (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location) for guiding the user to a command to be executed by means of speech for device operations categorized by device operation type (computer instructions are the device operations while the particular application program constitutes operation type; col. 3, ll. 29-32 and col. 4, ll. 10-23); and

a data searching unit (502) for searching for (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized), and providing (displaying) speech input guidance data corresponding to, the device operation detected by said device operation detecting unit from said speech input guidance data accumulating unit; and a speech input guidance output unit (505) for providing the user with data searched by said data searching unit (col. 4, ll. 10-23 and ll. 34-44).

Van Kleeck fails to teach expressly of providing whether or not guidance is to be conducted, and stopping guidance when speech input guidance controlling unit provides an output for stopping. However, Nakano teaches a speech input guidance controlling unit (5) for

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providing whether or not speech input guidance is to be conducted; and the speech input guidance controlling unit (5) provides an output (compulsory stop signal) for stopping the speech input guidance (If the operator guidance control section does not detect a stop signal, guidance is conducted. In this way, the control section provides whether or not speech guidance is conducted; col. 2, 11. 62-68).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art the substitute Van Kleeck's speech input guidance device with Nakano's speech input guidance controlling unit. The motivation for doing so would have been to allow for the first operation to be terminated so that another operation can begin, as taught by Nakano (col. 2, ll. 11-12).

The remaining limitation of claim 5 is similar to the final one of claim 1, and is rejection for the same rationale.

Regarding claims 6-8 and 10, Van Kleeck fails to disclose a speech input guidance controlling unit for stopping the speech input guidance when the operation of a device is detected. However, Nakano suggest a speech input guidance controlling unit for stopping the speech input guidance when the operation of a device for providing an audio output is detected, wherein the operation of a radio is detected, when the operation of route guidance by speech of a navigation device is detected, when route guidance for a navigation device is shown on a guidance display screen (col. 2, ll. 4-6, teaches "A voice interrupt operation can be performed, so the first program can be terminated and another program can be begun," reading on these features regarding more specific audio or image outputs).

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Therefore, it would have been obvious for one of ordinary skill in the art at the time of applicant's invention to substitute Van Kleeck's device for speech input guidance with Nakano's speech input guidance controlling unit for stopping the speech input guidance. The motivation for doing so would have been to avoid confusing the user/drive with simultaneous prompts of music.

Regarding claim 9, Van Kleeck teaches wherein at least one of guidance with a screen and a confirmation sound for indicating that a speech input is available is provided when the speech input guidance is stopped (the guidance data is provided to a screen display when made available and also goes into a wait state; col. 4, ll. 34-40 teaches, "the interface program displays in an active words window a list of active words that the user may speak in order to input currently appropriate choices" and col. 4, line 57 through col. 5, line 9, teaches "the user speaks a word into the microphone, the interface program receives a digitized representation of the spoken word from the sound input module... The interface program then communicates the choice associated with the recognized word to the application program. In a preferred embodiment, the interface program accomplishes this by submitting keystroke commands corresponding to the choice associated with the recognized word to the application program [for example, a stop command]. When the application receives these keystrokes, it acts upon the choice to which the keystrokes correspond. The interface program then updates the list of active words in light of the new currently appropriate choices [guidance with a screen for indicating that a speech input is available] and waits for the user to speak another word").

Regarding claim 19, Van Kleeck teaches: a speech input guidance data accumulating unit (509) for recording speech input executing commands and mutual correspondences (512 and 513) among the speech input executing commands (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location; col. 3, ll. 29-32 and col. 4, ll. 10-23);

a speech input detecting unit (sound input module) for detecting (receives/returns) a speech input operation by a user (col. 4, ll. 57-67); and

the speech input executing commands searched by said data searching unit and provided to the user are prioritized according to frequency of use (col. 7, ll. 45-47; infrequently used words/commands are omitted from the spoken word hierarchy and therefore words being used more frequently fall into a spoken word hierarchy, the frequently used words prioritized with respect to the infrequently used words).

The rest of the limitations of claim 19 are the same as or similar to those of claims 5 and 14, rejected above, and thus are rejected for the same reasons.

13. <u>Claims 11-12 and 18</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Van</u> Kleeck in view of <u>Nakano</u>, and further in view of <u>Cohen et al.</u>, US Patent No. 6,560,576).

Regarding claims 11-12, Van Kleeck and Nakano fail to teach recording a count of the outputs. However, Cohen teaches a data recording unit for recording counts of the guidance speech outputs (played prompts) and of the guidance screen display outputs (prompts) separately (Examiner takes the position that recorded counts would be made separate since the data correlates to two different interfaces) characterized by the device operation type (prompt specific

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conditions) from said speech input guidance unit (23) into the speech input guidance data accumulating unit (22), wherein said speech input guidance controlling unit (21) uses the data searching unit to search for/receive a count of outputs corresponding to a device operation, and stops the speech input guidance when said count of outputs exceeds a predetermined number (Fig. 2; col. 9, ll. 8-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to supplement Van Kleeck's and Nakano's speech input guidance device with Cohen's recording output counts. The motivation for doing so would have been to allow experienced users benefit from learning to use a system more efficiently by eliminating the superfluous repeating of prompts as taught by Cohen (col. 6, ll. 8-10).

Regarding claim 18, Van Kleeck teaches a speech input guidance data accumulating unit (509) for recording speech input executing commands (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location) characterized by operation object (computer instructions are the device operations while the particular application program constitutes operation object; col. 3, ll. 29-32 and col. 4, ll. 10-23);

a speech input guidance output request detecting unit (502) for detecting a speech input guidance output request from a user (the user activating the facility with an application program constitutes a request for speech guidance output); a data searching unit (502) for searching for and providing data (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the

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particular application program being utilized) in said speech input guidance data accumulating unit according to an output from said speech input guidance output request detecting unit; and

a speech input guidance output unit (speech synthesizer; display) for providing speech input executing commands searched by said data searching unit as one of by a display screen and by speech (col. 4, ll. 10-23 and ll. 34-44 and col. 7, ll. 44-48).

The rest of the limitations of claim 18 are the same as or similar to those of claim 11, rejected above, and thus are rejected for the same reasons.

14. <u>Claims 17</u> is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Van Kleeck</u> in view of <u>Cohen et al.</u>, US Patent No. 6,560,576).

Van Kleeck teaches: a speech input guidance data accumulating unit (509) for recording speech input executing commands (a table of available commands are stored in the input facility and so inherently would have been recorded to be stored in said location) characterized by operation object (computer instructions are the device operations while the particular application program constitutes operation object; col. 3, ll. 29-32 and col. 4, ll. 10-23); and

a speech input guidance output request detecting unit (502) for detecting a speech input guidance output request from a user (the user activating the facility with an application program constitutes a request for speech guidance output); a data searching unit (502) for searching for and providing data (the process of displaying available commands would inherently require the processor to search the computer memory for available commands corresponding to the particular application program being utilized) in said speech input guidance data accumulating unit according to an output from said speech input guidance output request detecting unit; and a

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speech input guidance output unit (speech synthesizer; display) for providing speech input executing commands searched by said data searching unit as one of by a display screen and by speech (col. 4, ll. 10-23 and ll. 34-44 and col. 7, ll. 44-48).

Van Kleeck fail to teach recording counts of outputs and the dates of the outputs. However, Cohen teaches recording at least one of the counts of outputs from the speech input guidance output unit (23) and the dates of the outputs for individual speech input executing commands, and said speech input guidance output unit changes the order (short cut active prompt) of guidance and provides it according to at least one of the counts of outputs and the dates of outputs (the reference teaches the change of order occurs in accordance with the counts of the outputs, i.e. after three sessions; col. 6, ll. 25-32 provides an example, "a shortcut active help prompt might be set up to be played to the caller...explaining that the 'delete a bookmark' command can be used from the main menu," which changes the order of the 'delete a bookmark' prompt from being a second prompt to being a first prompt).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching elements of Van Kleeck with that of Cohen to change the order of guidance. The motivation for doing so would have been to allow experienced users benefit from learning to use a system more efficiently by eliminating the superfluous repeating of prompts, as taught by Cohen (col. 6, ll. 8-10).

15. <u>Claim 16</u> is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Van Kleeck</u> in view of White, US Patent No. 5,386,494.

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Van Kleeck teaches recording speech input executing commands into a speech input guidance data accumulating unit, but fails to disclose of providing paraphrased speech input executing commands. However, White teaches recording speech input executing commands for paraphrasing the individual speech input executing commands, and the speech input guidance output unit provides paraphrasing speech input executing commands corresponding (associated) to an entered speech input executing command (Fig. 5C; col. 8, ll. 43-54).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of applicant's invention to supplement Van Kleeck's speech input guidance device with White's paraphrasing of commands. The motivation for doing so would have been to allow the user to easily check whether the computer has the capability to recognize the context of a spoken command, as taught by White (col. 8, ll. 48-51).

#### Allowable Subject Matter

16. <u>Claims 2-4</u> are allowable. The following is a statement of reasons for the indication of allowable subject matter: Claim 2 is allowable because the prior art of record does not disclose or suggest of a speech input guidance device wherein the number of speech inputs is counted and guidance is terminated when the count of speech inputs exceeds a predetermined number. It is old and well known in prior art to terminate guidance when the number of speech outputs exceeds a predetermined number (see e.g. Cohen). However, the prior art does not disclose or suggest terminating the guidance according to the counts of the speech input. Claims 3-4 depend from independent claim 2 and therefore are also deemed allowable.

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#### Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eunice Ng whose telephone number is 571-272-2854. The examiner can normally be reached on Monday through Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EN August 1, 2006

> TALIVALDIS IVARS SMITS PRIMARY EXAMINER